



US Army Corps  
of Engineers  
St Paul District

# Public Notice

ISSUED: 25-February-2013

**AUTHORITIES:**

Section 404, Clean Water Act

Section 10, Rivers and Harbors Act

**REFER TO: GP-001-WI (2012-03486-RMG)**

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## REVOCATION OF REGIONAL GENERAL PERMIT GP-001-WI IN THE STATE OF WISCONSIN

1. PURPOSE OF THIS PUBLIC NOTICE. This public notice is to notify the public that the St. Paul District Corps of Engineers (Corps) has revoked GP-001-WI. GP-001-WI is a regional, programmatic general permit (GP) which provided Federal authorization under Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404) to conduct certain activities in waters of the United States that are regulated and approved by the Wisconsin Department of Natural Resources (WDNR).
2. BACKGROUND. In a public notice dated January 9<sup>th</sup>, 2013, the Corps suspended GP-001-WI and solicited comments on its proposed revocation. At the same time, the Corps issued GP-003-WI and GP-004-WI to replace and update the coverage under Section 404 and Section 10 afforded by GP-001-WI.

As indicated in our January 9, 2013 notice, projects confirmed in writing as eligible for authorization under Part A prior to the suspension date remain valid until the expiration date indicated in our confirmation letter. No extensions of time are available for these projects. No new confirmations of coverage are available under Part A of GP-001-WI.

Projects eligible for authorization under Part B of GP-001-WI which commenced work prior to the suspension date of GP-001-WI continue to be authorized through April 9, 2013. No extensions of time are available for these projects. No coverage is available for projects otherwise eligible under Part B of GP-001-WI which have not commenced as of January 9, 2013.

It is the permittee's responsibility to remain informed regarding changes to GP-001-WI.

3. FINDINGS. Retention of GP-001-WI is not in the public interest. The decision to revoke GP-001-WI was based on an evaluation of the probable impact, including cumulative impacts, of the proposal on the public interest as described in 33 Code of Federal Regulations 325.7. The decision reflects the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal have been balanced against its reasonably foreseeable detriments. The following four points represent the relevant public interest factors evaluated regarding the revocation of GP-001-WI:

Revocation of GP-001-WI

*a. Changes to circumstances relating to authorized activity*

Part A of GP-001-WI authorized discharges of dredged and/or fill materials for projects approved by the WDNR pursuant to Trans 207 (WI Chapter 30.1235). 2011 Act 167 (Act 167) repealed this statute, leaving the underpinning State program tied to GP-001-WI invalid.

*b. Statutory and/or regulatory authority revision*

Act 167 exempted piers and wharves, dredging, and stormwater discharge grading projects from state review. Due to its programmatic nature, GP-001-WI is no longer available to provide coverage for these projects.

*c. Adequacy of Permit*

In addition to the state changes which have limited applicability of GP-001-WI, GP-001-WI as written may not be utilized to authorize impacts to all types of waters of the United States. Specifically, GP-001-WI may not be used to authorize projects which include a discharge of dredged/fill material into wetlands (with case-by-case exception for wetland fills which were previously eligible for Trans 207). The limited applicability of GP-001-WI to wetlands further reduces the desirability of retaining GP-001-WI.

*d. Extent to which revocation would adversely affect plans*

Revocation of GP-001-WI is anticipated to have a negligible potential to impact planned projects because the majority of projects that could have been authorized under GP-001-WI would be eligible for authorization under GP-003-WI or GP-004-WI.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED SPECIES OR THEIR CRITICAL HABITAT. Revocation of GP-001-WI is not anticipated to affect Federally-listed endangered or threatened species or their critical habitat.
5. HISTORICAL/ARCHAEOLOGICAL. Revocation of GP-001-WI is not anticipated to affect known or unknown archaeological, scientific, or historical resources.
6. WATER QUALITY CERTIFICATION. Water quality certification is not required for the revocation of GP-001-WI. However, this notice has been sent to the WDNR, the agency responsible for water quality certification pursuant to Section 401 of the Clean Water Act in the State of Wisconsin.
7. COASTAL MANAGEMENT PROGRAM CONSISTENCY CERTIFICATION. Revocation of GP-001-WI is not anticipated to result in non-compliance with state policies in Wisconsin's coastal zone.
8. CONTACT INFORMATION. Questions regarding revocation of GP-001-WI may be directed to Ms. Rebecca Graser at 262-717-9531. Information about the Corps Regulatory Program and permit requirements may be obtained by emailing [mvp-reg-inquiry@usace.army.mil](mailto:mvp-reg-inquiry@usace.army.mil) or by visiting the District's web page at <https://www.mvp.usace.army.mil> or by mail to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, Minnesota, 55101-1638.